FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order No.9l of 2006
with
Civil Application No.l04 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

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Mr S.M.Sakhardande i/b for Ms Parul Merchant for appellants
Mr G.C.Singh for respondent nos.l to 4
Ms Joglekar for BMC

CORAM; A.M.KHANWILKAR J.

DATED 7.2.2006

P.C.

. Heard counsel for the parties. I see no reason to interfere with the discretionary order passed by the court below in granting ad-interim relief in favour of the plaintiffs under the impugned order. The limited relief granted is that the original plaintiffs shall not be dispossessed from the suit structure referred to in the plaint, save and except by following due process of law. The counsel for the appellant contends

that the original plaintiffs have no causal connection with the suit structure. The person occupying the suit structure is one Mr. Amir Shaikh, who has been provided alternate accommodation by the appellants. All this material will be relevant at the stage of final hearing of the notice of motion. All questions on merits are left open, which are required to be decided in accordance with law. Dismissal of this appeal is not expression of any opinion either way on the merits of the issues involved in the notice of motion. The trial court is directed to ensure that the notice of motion is disposed of expeditiously, in any case not later than the end of April 2006,having regard to the peculiar fact situation of the case and the nature of the stand taken by the appellants. The original plaintiffs through their counsel assure that they will extend necessary cooperation to the trial court for early disposal of the notice of motion. I am informed

that the notice of motion is listed on l0.2.2006. Preferably on that day the parties may complete pleadings and proceed with the hearing of the notice of motion. If for some reason the trial court is satisfied that further time should be given to the parties, appropriate directions in that behalf be passed by the trial court. As mentioned earlier the trial court shall ensure that the notice of motion is finally disposed of before the end of April 2006.

Appeal as well as the civil application disposed on above terms.